

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

KERRY D. YOUNG, *

Petitioner, *

v. *

No. 07-422V
Special Master Christian J. Moran

SECRETARY OF HEALTH *

AND HUMAN SERVICES, *

Respondent. *

Filed: December 17, 2007

UNPUBLISHED DECISION¹

Andrew D. Downing, Esq., Rhodes, Hieronymous, Jones, Tucker & Gables, P.L.L.C., Tulsa, OK,
for Petitioner;

Traci R. Patton, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On December 7, 2007, the parties filed a joint stipulation concerning the injuries received by Kerry Young. Mr. Young filed a petition for compensation on June 27, 2007. In his petition, Mr. Young alleged that the influenza vaccination, which he received on October 21, 2003, caused him to suffer from Guillain-Barre Syndrome, which lasted for more than six months.

Respondent denies that Mr. Young’s injuries were caused by the influenza vaccine. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

A lump sum of \$242,000.00 in the form of a check payable to Petitioner. This amount represents partial settlement for all damages that would be available under 42 U.S.C. § 300aa-15(a); and

An amount sufficient to purchase the annuity contact described in paragraph 10 of the Stipulation, attached hereto as Appendix A, paid to the life insurance company from which the annuity will be purchased, which amount represents compensation for all remaining elements of compensation under 42 U.S.C. § 300aa-15(a); and

A lump sum of \$39,305.18, in the form of a check payable to petitioner and petitioner's attorney, Andrew D. Downing, of Rhodes, Hieronymous, Jones, Tucker & Gable, P.L.L.C., pursuant to 42 U.S.C. § 300aa-15(e), for attorneys' fees and costs, and in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 07-422V according to this decision and the attached stipulation.

Any questions may be directed to Shana Z. Siesser at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master